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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,574	12/20/2001	Kenneth Sugrim Singh	US010554	3288

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/028,574		SINGH, KENNETH SUGRIM	
	Examiner		Art Unit	
	Michael Van Handel		2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 6/06/2006. Claims **1-22** are pending. The examiner hereby withdraws the rejection of claim **22** under 35 U.S.C. § 101 in view of the amendment.

Response to Arguments

1. Applicant's arguments filed 6/06/2006 with regard to claims **1-22** have been fully considered, but they are not persuasive.

Regarding claims **1, 2, 8, 9, 15, 16, and 22**, the applicant argues that Harrison does not teach a shell for executing scripts that control demodulation of broadcast programming. The examiner respectfully disagrees. The examiner notes that a shell is an interactive program employed to create and run scripts (see applicant's specification p. 8, l. 1-3). The examiner further notes that scripts are text-based sequences of instructions or commands for controlling operation of a video receiver (see applicant's specification p. 8, l. 3-5). Harrison discloses a processor 102 for processing data and instructions. The computer system also comprises an alphanumeric input device 106 for communicating information and command selections to the processor 102 and a cursor control device 107 (col. 3, l. 6-7, 25-31). Harrison also discloses a profile unit 260 that stores profile information that includes a prioritized list of predefined channels and channel data that specify items of interest to be monitored by the tuning units 200 and the decoding units 240 (col. 3, l. 65-67 & col. 4, l. 1-2). The analyzing unit 250 uses a user

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specified predefined list of data including “triggers” and items of channels stored in the profile unit and the decoded channel data from the decoding unit 240 to determine which channels to display to the user. As an example, Harrison further describes allowing a user to define a list of text of interest, such as monitoring a business channel so that anytime the word “Intel” is detected, the tuner automatically pre-empt the current channel being displayed (col. 4, l. 43-50). Harrison further discloses that the profile unit 260 further includes a trigger storage location and action storage location, for storing items of interest corresponding to each pre-programmed channel and the particular action to take once the trigger item is detected. The user specifies items of interest that are monitored by the analyzing unit 250 for each channel (col. 5, l. 11-40). Therefore, Harrison teaches an interactive program to create and run scripts, wherein scripts are text-based sequences of instructions or commands for controlling the operation of a video receiver. Thus, the examiner maintains that Harrison meets the limitation of “a shell for executing scripts that control demodulation of broadcast programming” as currently claimed.

Regarding claims 3, 10, and 17, the applicant argues that Harrison does not teach or suggest that the at least one script executed by the shell controls operation of the video receiver to cause a sequence of programs broadcast during separate contiguous time periods on different channels to be demodulated and displayed by the video receiver. The examiner respectfully disagrees. Harrison discloses a profile unit 260 that stores profile information that includes a prioritized list of predefined channels and channel data (col. 3, l. 65-67). The analyzing unit 250 uses a user specified predefined list of data including “triggers” and items of channels stored in the profile unit 260 and the decoded channel data from the decoding unit 240 to determine which channels to display to the user. Particularly, the arbitrating unit 270 includes logic to determine

which one channel to display on the display unit at any particular time (col. 4, l. 54-56 & col. 6, l. 6-15). Harrison further states that preempting a channel and the subsequent action taken is automatic and predefined (col. 5, l. 31-34). Since Harrison discloses profile information that controls automatic channel switching over time, the examiner maintains that Harrison meets the limitation “wherein the at least one script, when executed by the shell, controls operation of the video receiver to cause a sequence of programs broadcast during separate contiguous time periods on different channels to be demodulated and displayed by the video receiver” as currently claimed.

Regarding claims **4**, **11**, and **18**, the applicant argues that Harrison does not teach that the at least one script executed by the shell controls operation of the video receiver to cause the selected broadcast programming to be demodulated and transmitted to a recording device. The examiner respectfully disagrees. Harrison discloses an arbitrating unit 270 that includes logic to determine which one channel to record on a record unit at any particular time based on profile info of the selected signals (col. 4, l. 54-57 & Fig. 4a). Thus, the examiner maintains that Harrison meets the limitation “wherein the at least one script, when executed by the shell, controls operation of the video receiver to cause the selected broadcast programming to be demodulated and transmitted to a recording device” as currently claimed.

Regarding claims **5**, **12**, and **19**, the applicant argues that the combination of Harrison and Liebenow does not teach or suggest terminating a script executed by a shell if selected programming has previously been demodulated and transmitted. The examiner respectfully disagrees. Harrison discloses a profile unit 260 that includes a trigger storage location and action storage location, for storing items of interest corresponding to each pre-programmed channel and

the particular action to take once the trigger item is detected. The user specifies items of interest that are monitored by the analyzing unit 250 for each channel. Once the analyzing unit 250 detects the trigger data, the analyzing unit 250 reads the action storage location to determine what action to take (col. 5, l. 11-22). Harrison further discloses an arbitrating unit 270 that includes logic to determine which one channel to record on a record unit at any particular time based on profile info of the selected signals (col. 4, l. 54-57 & Fig. 4a). Harrison does not disclose a method of, prior to causing the selected broadcast programming to be demodulated and transmitted to a recording device, checking for previous demodulation and transmission of the selected broadcast programming to the recording device, wherein execution of the at least one script is terminated if the selected broadcast programming was previously demodulated and transmitted to the recording device. Liebenow discloses determining whether or not a program has been previously recorded at some point shortly before a program to be recorded begins (col. 5, l. 25-29). If the program has been previously recorded, the recording of the program is inhibited (col. 6, l. 2-3). Thus, both Harrison and Liebenow disclose simple computer programs to determine when to record a television broadcast. Liebenow also discloses allowing a user to configure his system to periodically record a series or episodic program using program information (col. 5, l. 1-4), but preventing the record action from occurring if the program has been previously recorded (col. 6, l. 2-3). Thus, Liebenow suitably remedies the deficiencies of Harrison.

With further regard to claims **5**, **12**, and **19**, Liebenow states a need for a system, software program, signal, and method for maintaining episode identification information associated with program information and maintaining a database that can be used to specify

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programs for possible further action without additional user intervention (col. 1, l. 31-36). Thus, the examiner maintains that the combination of Harrison and Liebenow teaches the limitation of “wherein the at least one script, prior to causing the selected broadcast programming to be demodulated and transmitted to a recording device, checks for previous demodulation and transmission of the selected broadcast programming to the recording device, wherein execution of the at least one script is terminated if the selected broadcast programming was previously demodulated and transmitted to the recording device” as currently claimed and further maintains that Liebenow states clear and sufficient motivation for such a combination to be made.

Regarding claims 6, 7, 13, 14, 20, and 21, the applicant argues that the combination of Harrison and Zigmond et al. does not teach that the at least one script is received by the video receiver together with a broadcast programming stream including the selected broadcast programming. The examiner respectfully disagrees. In the rejection of claim 6 in the Office Action mailed 3/13/2006 the examiner noted that Harrison does not disclose receiving a script together with a broadcast programming stream including selected broadcast programming or receiving a script from an external source separate from a broadcast programming stream including selected broadcast programming. Zigmond et al. discloses receiving a logical address link either in a broadcast video signal (col. 10, l. 16-22) or from a different data supplier (col. 9, l. 62-67 & col. 10, l. 1-3, 13-15). The logical address links are received in batch mode and define a particular time interval. For example, a batch mode logical address link may include a start time and an end time indicating when the link is to be made available to the user (col. 6, l. 56-61). A set-top box 10 receives and processes logical address links (col. 8, l. 66-67). When it is time for the link to be associated with a currently viewed television program, an indication is

provided to the viewer (col. 9, l. 19-32). Thus, Zigmond et al. discloses text-based instruction data that is received by a set-top box and executed according to the instructions contained therein. Furthermore, Zigmond et al. states a need for a more intelligent mechanism for communicating this instruction data (col. 2, l. 28-29). Therefore, the examiner maintains that the combination of Harrison and Zigmond et al. teaches the limitations “wherein the at least one script is received by the video receiver together with a broadcast programming stream including the selected broadcast programming” and “wherein the at least one script is received by the video receiver from an external source separate from a broadcast programming stream including the selected broadcast programming” as currently claimed and further maintains that Zigmond et al. states a clear and sufficient motivation for such a combination to be made.

Claim Objections

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: With regard to claim 22, the term datastream lacks antecedent basis in the disclosure. The examiner interprets a datastream as being a data structure stored within the video receiver, the data structure comprising at least a field for selected broadcast programming and a field for a script. References to claim 22 in the Office Action below are made in view of the above-stated interpretation.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-4, 8-11, 15-18, 22** are rejected under 35 U.S.C. 102(b) as being anticipated by Harrison.

Referring to claims **1, 8, and 15**, Harrison discloses a system/method for extending unattended control capabilities for a video receiver, comprising:

- a shell for executing scripts controlling demodulation of broadcast programming (the examiner notes that a processor processes data and instructions stored in a main memory. These data and instructions provide communication between a user and an operating system, thus performing the operation of a shell)(col. 3, l. 6-13, 21-31)(Fig. 1); and
- a memory containing at least one script including a sequence of commands for demodulating selected broadcast programming (the examiner notes that the personal profile stores trigger data and an action to be performed in response to a recognized trigger. Since a set of actions are performed in recognition of a trigger, the profile performs the operation of a script), wherein the at least one script is executable by the shell to select broadcast programming for demodulation and display or recording from among one or more concurrently airing programs each matching at least one of a plurality of user-specified descriptive criteria, wherein said at least one script employs

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associated previously-defined user priorities or conditions to select between conflicting matches or routing options (col. 3, l. 53-67, col. 4, l. 1-11, 43-67, & col. 5, l. 11-40)(Figs. 3A-3B).

Referring to claims **2**, **9**, and **16**, Harrison discloses the system/method as set forth in claims 1, 8, and 15, respectively, wherein the at least one script identifies the selected broadcast programming by at least one of:

- one or more channels on which the selected broadcast programming is to be broadcast and one or more time periods during which the selected broadcast programming is to be broadcast;
- a title of the selected broadcast programming; and
- keywords describing the selected broadcast programming (col. 4, l. 47-50).

The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **3**, **10**, and **17**, Harrison discloses the system/method as set forth in claims 1, 8, and 15, respectively, wherein the at least one script, when executed by the shell, controls operation of the video receiver to cause a sequence of programs broadcast during separate contiguous time periods on different channels to be demodulated and displayed by the video receiver (the examiner notes that in time, different programs on different channels will be displayed in accordance with the triggering and priority data stored in the profile)(col. 3, l. 65-67; col. 4, l. 54-56; col. 5, l. 31-34; & col. 6, l. 6-15).

Referring to claims **4**, **11**, and **18**, Harrison discloses the system/method as set forth in claims 1, 8, and 15, respectively, wherein the at least one script, when executed by the shell,

controls operation of the video receiver to cause the selected broadcast programming to be demodulated and transmitted to a recording device (col. 4, l. 54-56)(Fig. 3A).

Referring to claim **22**, see the claim objections above. Harrison discloses a datastream stored on computer readable medium for use with a video receiver (Fig. 3A), wherein the datastream includes one or more computer readable fields for a broadcast programming stream including selected broadcast programming (channel and trigger fields) and at least one script including a sequence of commands for causing the video receiver to demodulate the selected broadcast programming for display or recording (action field), wherein the at least one script is executable by a shell running within the video receiver (see citations and examiner's notes with respect to claim 1 above)(col. 4, l. 54-57 & Fig. 4a).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **5, 12, 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Liebenow.

Referring to claims **5, 12, and 19**, Harrison discloses the system/method as set forth in claims 4, 11, and 18, respectively. Harrison does not disclose a method of, prior to causing the selected broadcast programming to be demodulated and transmitted to a recording device, checking for previous demodulation and transmission of the selected broadcast programming to

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the recording device, wherein execution of the at least one script is terminated if the selected broadcast programming was previously demodulated and transmitted to the recording device. Liebenow discloses a method of determining whether or not a program has been previously recorded, and if it has, inhibiting the recording of the program (col. 5, l. 1-4, 25-38, 58-67 & col. 6, l. 1-3). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Harrison to determine whether or not a program has been previously recorded, and inhibit the recording of a program if it has, such as that taught by Liebenow in order to allow a user to employ a record function without having to worry about inadvertently recording duplicate programs (col. 1, l. 29-31).

5. Claims **6, 7, 13, 14, 20, 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Zigmond et al.

Referring to claims **6, 7, 13, 14, 20, and 21**, Harrison discloses the system as set forth in claims 1, 8 and 15. Harrison does not disclose receiving a script together with a broadcast programming stream including selected broadcast programming or receiving a script from an external source separate from a broadcast programming stream including selected broadcast programming. Zigmond et al. discloses receiving a logical address link either in a broadcast video signal (col. 6, l. 56-61; col. 8, l. 66-67; col. 9, l. 19-32; & col. 10, l. 16-22) or from a different data supplier (col. 9, l. 62-67 & col. 10, l. 1-3, 13-15). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Harrison to receive instruction data either in broadcast programming or from a different data supplier, such

as that taught by Zigmond et al. in order to provide an intelligent mechanism for communicating instruction data (col. 2, l. 28-29).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

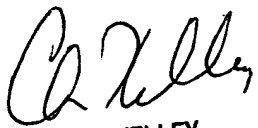
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571.272.7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Van Handel
Examiner
Art Unit 2623

MVH


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600